

### DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS 2170 SW Canal Street Stuart, FL 34997

February 7, 2008

Regulatory Division Special Projects and Enforcement Branch SAJ-2008-335(NW-AAZ)

South Florida Water Management District Attn: Mr. Larry Carter 3301 Gun Club Road West Palm Beach, FL 33406

Dear Mr. Carter:

Your application for a Department of the Army permit received on January 28, 2008, for the S-71 and S-72 Spillway Structure Stability Projects has been assigned number SAJ-2008-335(NW-AAZ). A review of the information and drawings provided shows the proposed work is an emergency action to provide structural stability and water supply resulting from the drought conditions. The work associated with the S-72 spillway structure includes construction of a temporary construction dewatering system, steel sheet pile weir, rubble riprap, pump intake bay, staging area for two 4,000 gallon above ground diesel fuel tanks and three temporary hydraulic pumps. associated with the S-71 structure is similar to the S-72 structure except there are no proposed water supply pumps proposed in the S-71 structure. Approximately 750 cubic yards of material would be excavated from the C-40 Canal associated with the S-72 work, and 200 cubic yards of material from the C-41 Canal associated with the S-71 structure. The project is as described on the enclosed drawings. The project is located approximately 1800 feet south (towards Lake Okeechobee) of spillway structure S-72 in the Indian Prairie Canal (C-40) and S-71 in the Harney Pond Canal (C-41) in Sections 10, 14, and 15, Township 39 South, Range 33 East, Glades County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 31. In addition, project specific conditions have been enclosed. This verification is valid until February 7, 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at

http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 7. A copy of a portion of the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, has been enclosed, specifically pages 11180 through 11198. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

- 1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.
- 2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; http://www.cr.nps.gov/nr/research/nris.htm. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

- 4. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
- 5. Reduction and/or elimination of turbid water conditions in adjacent water bodies and wetlands are to be achieved through the use of silt curtains or screens in the construction area during periods of fill placement.
- 6. In compliance with Federal Register/Vol 72, No 47/Page 11192 dated March 12, 2007, Nationwide Permit General Condition

16 states that no activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. It is understood that water would be pumped from the C-40 Canal to the L60 Canal, which is used by the Seminole Brighton Indian Reservation. To ensure that no unacceptable tribal impacts are proposed, no work shall begin on the S-72 structure until a concurrence letter is received by the Corps from the Seminole Brighton Indian Reservation.

- 7. The applicant shall adhere to the Manatee Construction Guidelines during all in-water work.
- 8. To ensure navigation safety, a floating safety barrier shall be installed lakeside of the S-71 Structure similar to the barrier depicted in Sheet 2 of 6.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under \$. 373.069, F.S., or a local government with delegated authority under \$. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration

date for the above referenced NWP, please contact Alisa Zarbo by telephone at 772-219-8418.

This letter contains an approved jurisdictional determination. Enclosed you will find the approved jurisdictional determination form and a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you object to this determination, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. If you request to appeal this determination, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell South Atlantic Division U.S. Army Corps of Engineers CESAD-CM-CO-R, Room 9M15 60 Forsyth St., SW. Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by August 31, 2007.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

http://www.saj.usace.army.mil/permit/forms/customer\_service.htm. Your input is appreciated - favorable or otherwise.

Sincerely,

Paul L. Grosskruge: Colonel U.S. Army

District Engineer

Enclosures

bcc:

CESAJ-RD-PE

### GENERAL CONDITIONS 33 CFR PART 320-330 PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

- 1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow a representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-31
Application Number: SAJ-2008-335

	ess (please print or type):
Date Work Started:	Date Work Completed:
commercial filling, dock	(e.g., bank stabilization, residential or s, dredging, etc.):
Acreage or Square Feet or	f Impacts to Waters of the United States:
	leted (if applicable):
Describe any Deviations f deviations):	from Permit (attach drawing(s) depicting the
accordance with the limit	***********************  and mitigation (if applicable) was done in ations and conditions as described in the secribed above are depicted on the
	Signature of Permittee
	Date

### DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMII NUMBER:
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its
limitations, does not expire.
To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

(SUBDIVISION)

(LOT) (BLOCK)

(STREET ADDRESS)

### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

	cant: SFWMD, S-72 and S-72 Structures	File Number: SAJ-2008-335	Date: Feb 7, 2008
Attached is:			See Section below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A	
PROFFERED PERMIT (Standard Permit or Letter of permission)		В	
PERMIT DENIAL		C	
	APPROVED JURISDICTIONAL DETERMIN		D
X	PRELIMINARY JURISDICTIONAL DETERM	MINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <a href="http://usace.army.mil.inet/functions.cw/ceewo/reg">http://usace.army.mil.inet/functions.cw/ceewo/reg</a> or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
  authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
  signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
  to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
  authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
  signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
  to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative
  Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received
  by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

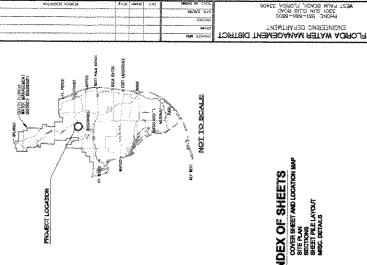
SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO	NUMBERAL PROSESSED EN DERA	AIT	
REASONS FOR APPEAL OR OBJECTIONS: (Describe your re	easons for appealing the decision	or your objections to an initial	
proffered permit in clear concise statements. You may attach add	litional information to this form to	of your objections to an initial	
objections are addressed in the administrative record.)	-	, , , , , , , , , , , , , , , , , , ,	
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ADDITIONAL INFORMATION: The appeal is limited to a review	$\overline{w}$ of the administrative record, the	Corps memorandum for the	
record of the appeal conference or meeting, and any supplemental	information that the review office	r has determined is needed to	
clarify the administrative record. Neither the appellant nor the Cor	rps may add new information or a	nalyses to the record. However	
you may provide additional information to clarify the location of it	nformation that is already in the ac	dministrative record.	
POINT OF CONTACT FOR QUESTIONS OR INFORMATION			
If you have questions regarding this decision and/or the appeal		ding the appeal process you may	
process you may contact:	also contact:		
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Project Manager as noted in letter	Michael F. Bell		
	404-562-5137		
RIGHT OF ENTRY: Your signature below grants the right of ante	ay to Corne of Engineers garages		
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day			
notice of any site investigation, and will have the opportunity to participate in all site investigations.			
o o o o o o o o o o o o o o o o o o o	Date:	Telephone number:	
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Signature of appellant or agent.			



# WATER MANAGEMENT DISTRICT SOUTH FLORIDA

S-71 STRUCTURE STABILITY LAKE OKEECHOBEE TAILWATER WEIR

GLADES COUNTY, FLORIDA



### INDEX OF SHEETS

COVER SHEET AND LOCATION MAP STEP PLAN SHEET PLE LAYOUT MISC. DETAILS

MILOLAS J. GUTERREZ, M., ESQ.

MICHAEL COLLING
CHARLES J. DALRAY
SHANDON A ESTENCE
MELISSA MERCIEY
PATRICK ROOMEY
MALOCUM S. WANDE, JR.
PARKLOCH M. S. WANDE, JR.
PARKS S. WANDE, JR.

EXECUTIVE OFFICE

CARON, WEHALE BRIGHTHE MENTON

APPROVED BY:

COVERNING BOARD

EPINC RUFFR ANN

# **DISTRICT STANDARD DRAWINGS**

## REFERENCE SHEETS

SPWAD TOPOGRAPHIC SLIVEY (13 SHEETS)

LAKE OKEECHOBEE

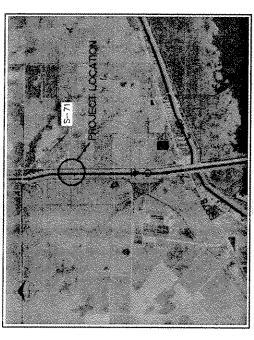
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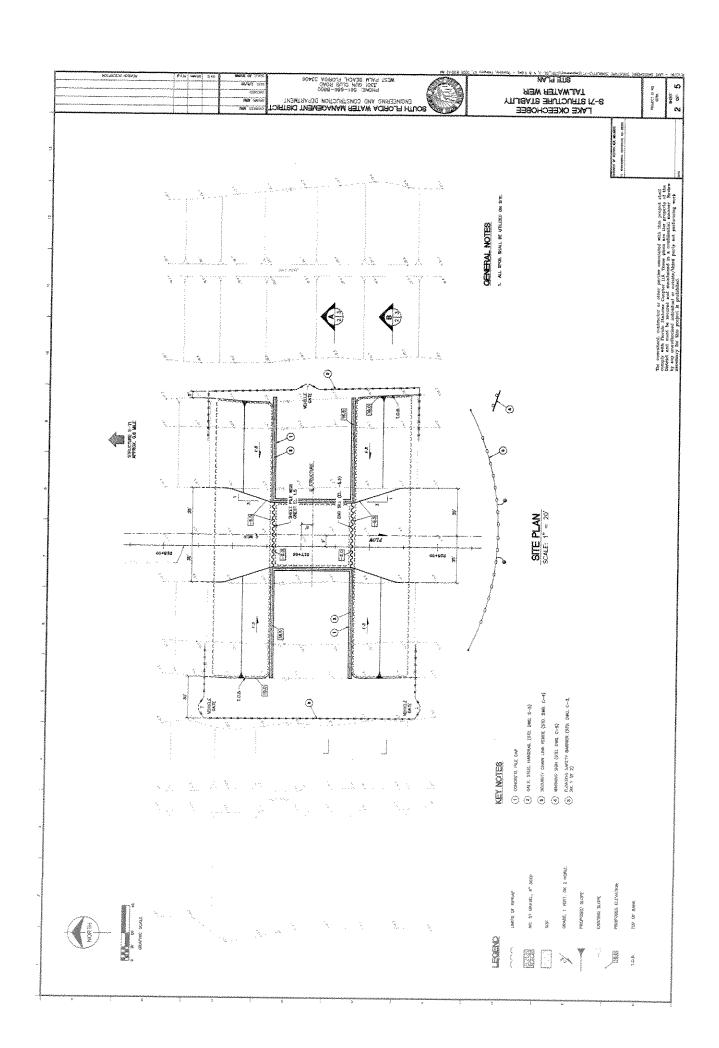
# CONFIDENTIAL INFORMATION ENCLOSED

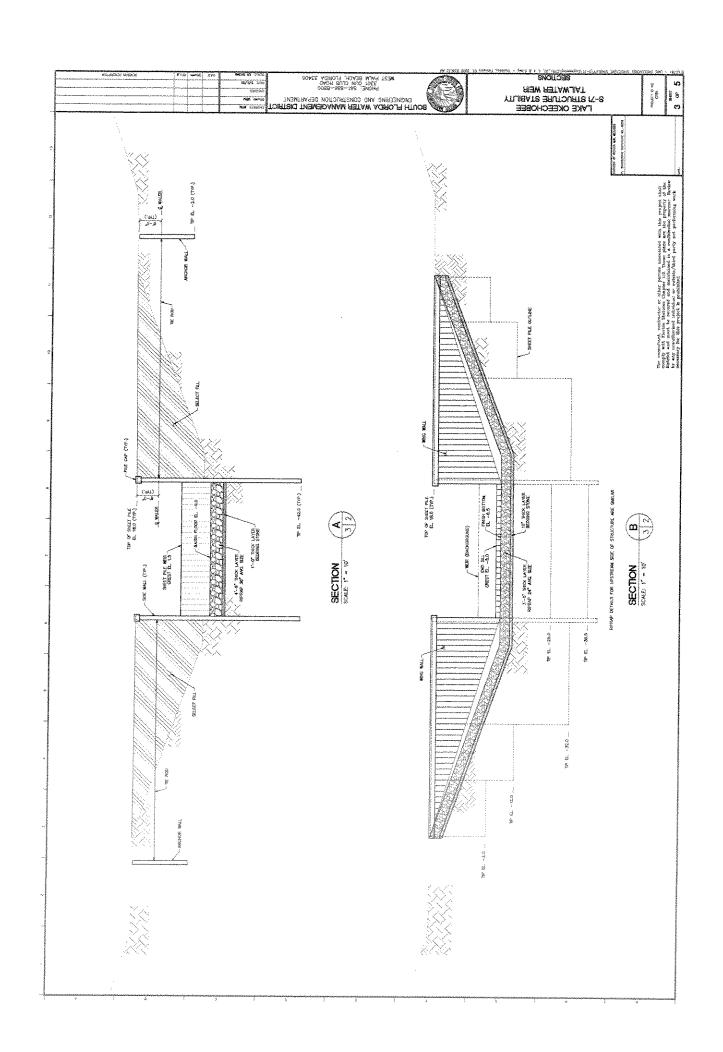
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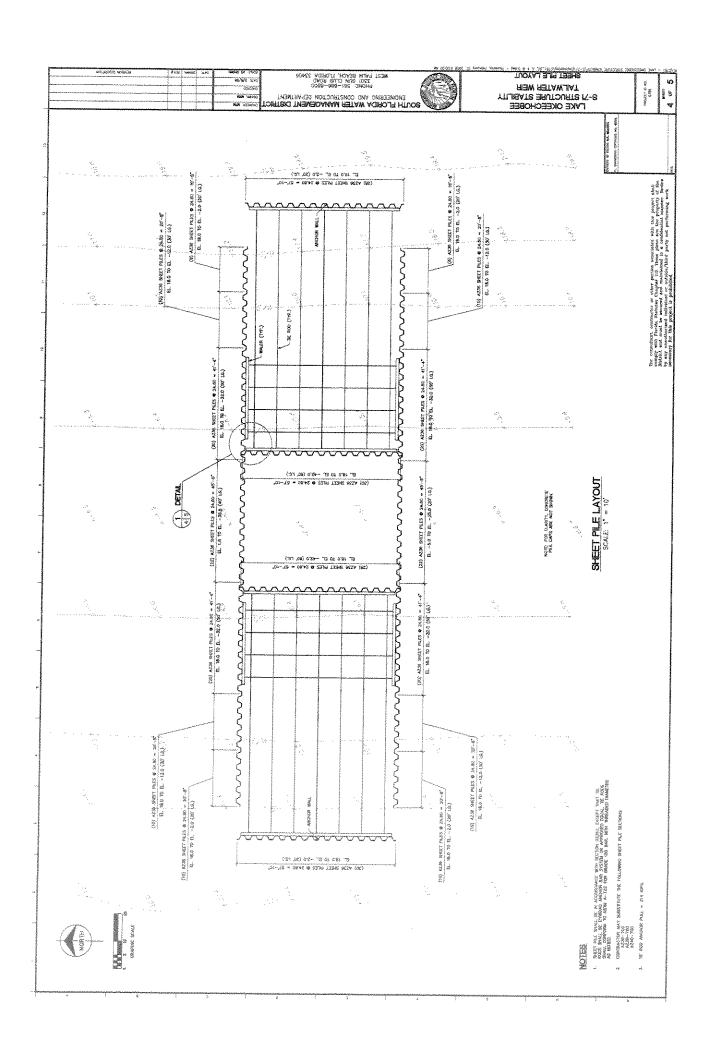


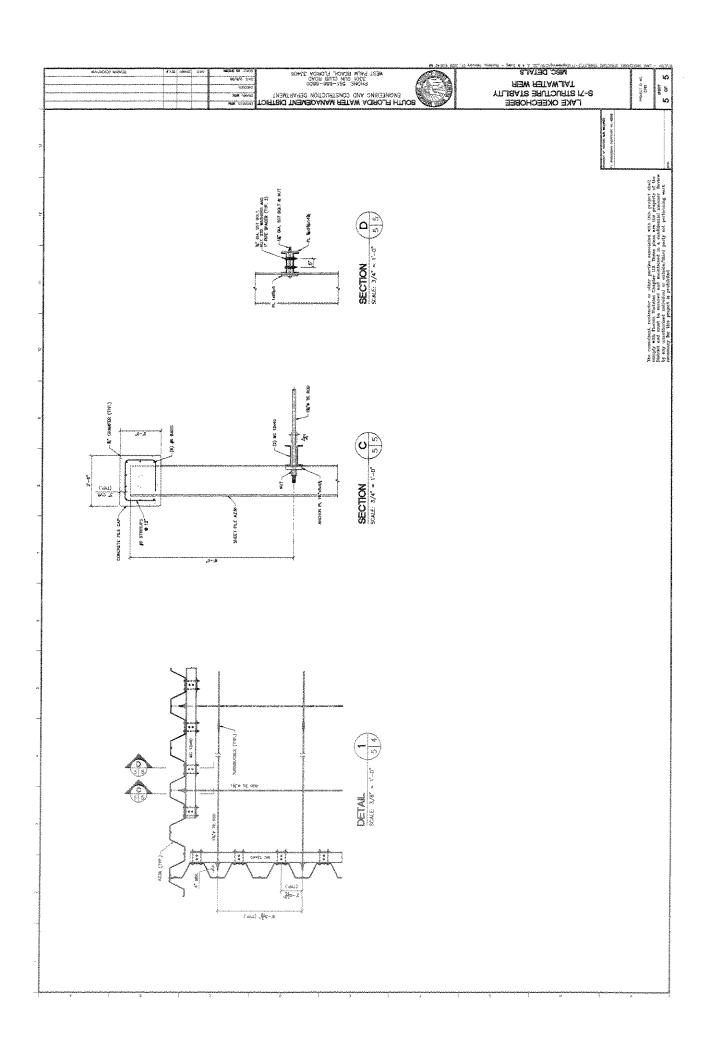
### LOCATION MAP

PROJECT I.D. NO. C781









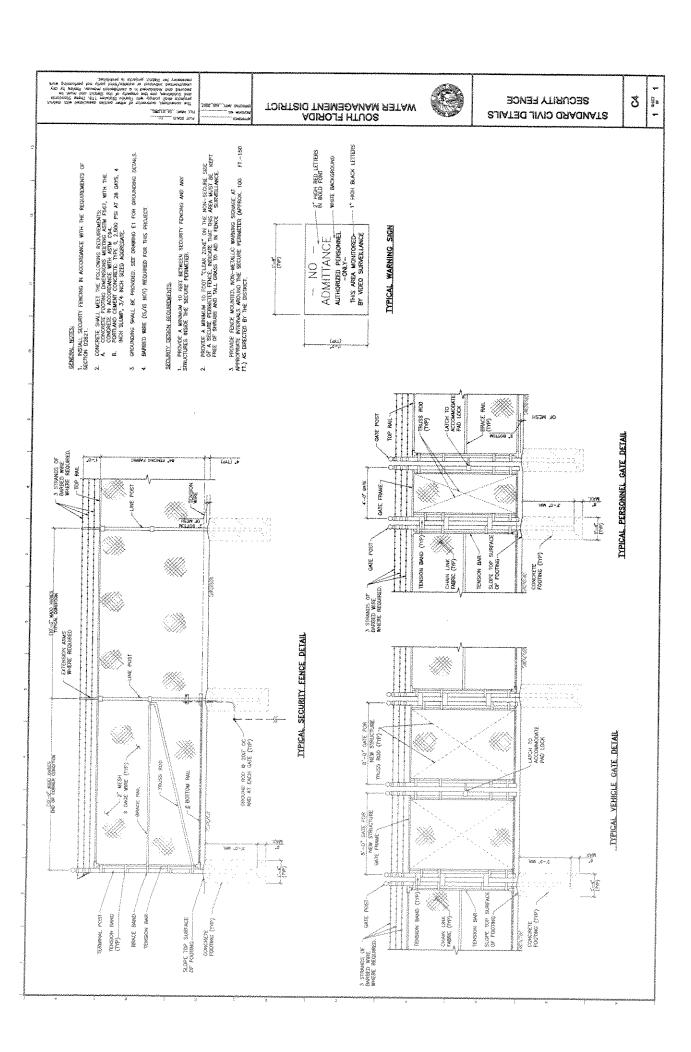
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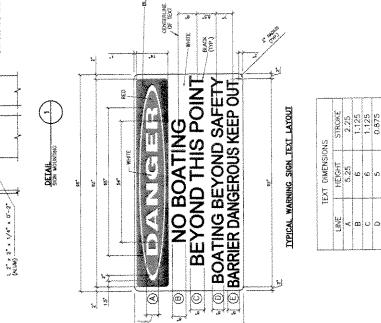
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SLOTTED HOLE

-DAP PILE

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1 SIGN MOUNTING DETAIL



## TYPICAL WARNING SIGN DETAIL

SECTION

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